

## 21 C.J.S. Courts § 135

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### Courts

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### IV. Terms and Sessions

#### B. Terms

##### 1. In General

### § 135. Necessity for terms and for observing terms fixed

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  63

**In some states, there are no terms of court, with the courts always open to transact judicial business, and in other states, this is true for some courts or for certain purposes; terms, however, are necessary when required by constitutional or valid statutory provision.**

Fixed times and places for holding court are necessary to successfully administer justice.<sup>1</sup> A constitutional requirement of a certain number of terms each year is mandatory, and it is beyond the power of a judge to pretermite one of those terms.<sup>2</sup> In some jurisdictions, however, the courts are always open to transact judicial business except on nonjudicial days, and consequently, there are no terms of court properly so called during which the court may sit to hear and determine causes but only a division of the year into sessions to facilitate the orderly arrangement and dispatch of business.<sup>3</sup>

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## Footnotes

1

Miss.—[Williams v. State](#), 156 Miss. 346, 126 So. 40 (1930).

2

Miss.—[Ivey v. State](#), 154 Miss. 60, 119 So. 507 (1928).

3

N.D.—[Bank of Inkster v. Christenson](#), 49 N.D. 1047, 194 N.W. 702 (1923).

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